

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4123 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
R P AVASTHY

Versus

STATE OF GUJARAT

-----  
Appearance:

MR SM MAZGAONKAR for Petitioner

None present for Respondent

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/08/1999

ORAL JUDGEMENT

1. Heard learned counsel for the petitioner.

2. Perused the Special Civil Application, reply to the Special Civil Application, additional affidavit filed by the respondent and affidavit in rejoinder filed by the petitioner to the Special Civil Application. The Departmental Promotion Committee which met in the year

1963 considering the cases of Class-II officers for promotion to the Class-I of Gujarat Agriculture Service adjudged the petitioner unsuitable for promotion. I further find from the reply to the Special Civil Application that he was officiating as Class-I. He was reverted on 11.1.1964. Shri Jadav was adjudged suitable for promotion, but he could not be given promotion due to pendency of departmental inquiry against him. In the departmental inquiry ultimately he was fully exonerated. It is true that he was given promotion in the year 1966. But after exoneration in the departmental inquiry his promotion should have been relate back to the year 1963. The petitioner was selected on this post by the GPSC in the year 1964. Shri Jadav is senior to him in the service, therefore the claim of the petitioner cannot be accepted.

3. Special Civil Application is dismissed. Rule discharged. Interim relief, if any granted stands vacated. No order as to costs.

(S.K.Keshote,J.)  
(pathan)